

**REMARKS**

Claims 3-34, 37-65, and 67-70 are pending in the application. Claims 3-34, 37-65, and 67-69 were rejected. Claims 24 and 58 are amended. Claims 3 and 37 are the independent claims. Reconsideration of the amended application is respectfully requested.

Undersigned counsel thanks the Examiner for his time in conducting the telephone interview held on February 25, 2004. During the interview, it was discovered that the second preliminary amendment submitted on September 12, 2001 had not been entered, and that a misunderstanding existed regarding the form of the first preliminary amendment submitted on June 6, 2001. Particular aspects of these issues are discussed below as appropriate.

The Examiner asserted that the amendment to "the first of two sets of claims 39 and 40 filed on 06/06/2001" does not comply with the requirements of 37 CFR 1.121(c) because the amended claims do not indicate with markings that they depend from claim 37 rather than from claim 36 as originally filed. The Examiner also acknowledged that the amendment to "the second of two sets of claims 39 and 40 filed on 06/06/2001" does comply with the requirements of 37 CFR 1.121(c).

The preliminary amendment submitted with the application on 06/06/2001 includes one clean version of amended claims 39 and 40 on page 4, as well as a marked-up version of amended claims 39 and 40 on page 10, in compliance with 37 CFR 1.121(c) at the time that the preliminary amendment was filed. The marked-up version indicates with markings that amended claims 39 and 40 depend from claim 37 rather than from claim 36 as originally filed. Under the current format required by 37 CFR 1.121(c), these

two versions would appear to be two sets of claims 39 and 40, one of which is not marked as amended. However, under the format required at the time of the submission, the two sets are merely two different versions of the amended claims. In the above-referenced telephone interview, the Examiner acknowledged that the amendment to claims 39 and 40 complies with 37 CFR 1.121(c), and therefore no further action is required.

The Examiner required correction of claims 24, 58, and 64 to correct certain informalities. Claims 24 and 58 are amended as required by the Examiner. The amendment to claim 65, however, which, rather than claim 64, apparently was the Examiner's intention, was made in the above-referenced second preliminary amendment. In the telephone interview, the Examiner acknowledged submission of the second preliminary amendment and stated that it would be entered. It is therefore respectfully submitted that all noted informalities have been addressed.

The Examiner objected to the "first set of claims 39 and 40" under 37 CFR 1.75 as being a substantial duplicate of "the second set of claims 39 and 40." As noted above, Applicants have only submitted one each of claims 39 and 40, which the Examiner acknowledged. The objection, therefore, should be withdrawn.

The Examiner provisionally rejected claims 3-8, 37-42, and 67-69 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 3-8, 37-42, and 67-69, respectively, of co-pending application Serial No. 09/023,672, which is parent to the present application. A terminal disclaimer is submitted herewith to overcome this rejection. The rejection, therefore, should be withdrawn.

The Examiner rejected claims 9-17 and 43-51 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 2-8 and 35-41, respectively, of U.S. Patent No. 6,542,608 B2. A terminal disclaimer is submitted herewith to overcome this rejection. The rejection, therefore, should be withdrawn.

The Examiner rejected claims 18-24 and 52-58 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 8-14 and 25-31, respectively, of U.S. Patent No. 6,608,901 B2. A terminal disclaimer is submitted herewith to overcome this rejection. The rejection, therefore, should be withdrawn.

The Examiner rejected claims 25-31 and 59-65 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 2-8 and 35-41, respectively, of U.S. Patent No. 6,549,623 B2. A terminal disclaimer is submitted herewith to overcome this rejection. The rejection, therefore, should be withdrawn.

The Examiner did not address the merits of claim 70, which was added by the second preliminary amendment filed on September 12, 2001. It is respectfully submitted that claim 70, which depends from claim 37, is allowable, for at least the reasons acknowledged for allowability of claim 37.

Based on the foregoing, it is submitted that all objections and rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue.

A notification of change of correspondence address is submitted herewith. Please note the updated correspondence address below.

A check is enclosed in payment of the fee for the terminal disclaimers. If the check is missing, or made out for an insufficient amount, please charge any deficiency to our deposit account, No. 501998, and notify us accordingly.

If there are any issues remaining, the Examiner is invited to contact the undersigned by telephone to expedite resolution.

Respectfully submitted,

February 25, 2004  
Date

  
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